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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISIONFILED BY ASH D.C.

05 JUL -5 AM 11:48

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS
Petitioner

No. 94-2577-BBD

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

v.

RICKY BELL, Warden
Riverbend Maximum Security
Institution
Respondent.MOTION FOR STATUS CONFERENCE

On June 23, 2005, the Supreme Court decided Gonzalez v. Crosby, 545 U.S. ____ (2005), which addresses the scope of relief from judgment which is available in habeas corpus proceedings. In particular, *Gonzalez* emphasizes that relief is available when the integrity of the initial habeas proceeding was compromised. Like Judge Cole's opinion in Alley v. Bell, 405 F.3d 371, 372-373 (6th Cir. 2005)(Cole, J., concurring), *Gonzalez* clearly indicates that Philip Workman has a valid motion for relief pending before this Court. In addition, in light of *Gonzalez*, the Supreme Court has vacated and remanded the Sixth Circuit's decision in In Re Abdur'Rahman, 392 F.3d 174 (6th Cir. 2004)(en banc). See Bell v. Abdur'Rahman, 545 U.S. ____ (June 28, 2005).

In light of these developments, it is appropriate for this Court to set a status conference to discuss further proceedings on Petitioner's motion, including, for example: Briefing by the parties of the implications of *Gonzalez*; The need for additional pleadings, filings or motions by the parties; discovery; and a hearing in this matter.

The motion for status conference should be granted.

MOTION GRANTEDDATE: 7-05-2005

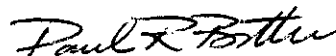
BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 7-11-05

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Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served via first-class mail upon counsel for Respondent, Joseph Whalen, Office of the Attorney General, 425 Fifth Avenue North, Nashville, Tennessee 37243, this 1st day of July, 2005.





Notice of Distribution

This notice confirms a copy of the document docketed as number 172 in case 2:94-CV-02577 was distributed by fax, mail, or direct printing on July 11, 2005 to the parties listed.

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Honorable Bernice Donald
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